



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 2, 1998

Mr. Saul Pedregon
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR98-2088

Dear Mr. Pedregon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118698.

The City of Dallas Police Department received a request for "all arrest and offense reports on" a named individual. You express concern that the request in effect seeks the named individual's criminal history and thus implicates the individual's privacy rights.

Government Code section 552.101 protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information coming within the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Common-law privacy protects information if it is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, *and* it is of no legitimate concern to the public. *Id.* at 683-85.

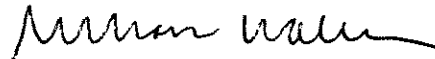
A law enforcement agency's release of records responsive to a general request for criminal history about a particular individual would violate that individual's common-law privacy rights. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 179 and 188 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See also, United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). Therefore you may not release any arrest and offense reports in which the individual named in the request was a suspect.

We note, however that some of the information you submitted as responsive to the request consists of reports naming the individual who is the subject of the request as a

witness or complainant. These records are not criminal history of the individual named in the request for purposes of section 552.101 privacy protection. If they are responsive to the request, you must, since you have raised no other exceptions, release them.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 118698

Enclosures: Submitted documents

cc: Mr. Wayne A. Davis
11767 Katy Freeway
Houston, Texas 77079
(w/o enclosures)